REMARKS

Claim 1 is pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, on page 3, rejects claim 1 under 35 U.S.C. §103(A) as being unpatentable over JP-A-2002-177306 (hereinafter "JP '306"). This rejection is respectfully traversed.

JP '306 teaches an intraocular lens having holes and recesses provided for reduction of a contact area of the intraocular lens with a crystalline lens and also promotion of a flow of aqueous humor (see *e.g.*, Fig. 2 and 4). Careful review of, for example, Fig. 2 of JP '306 reveals that holes 2a are formed in an intermediate part provided between an optical lens part and a supporting part, not in the optical lens part expected to provide an optical function for correcting refractive power of an eye. In Fig. 4, holes 11a are arranged around an optical lens part 11. As is clearly seen in Figs. 2 and 4, the holes may be regarded as being substantially arranged in the intermediate part. Throughout the disclosure of JP '306 reference is made to the optical lens section 1 as differentiated from the intermediate part section 2. The intermediate part is disclosed of a diameter of 6mm to 8mm, this being the region covered with the iris under ordinary visual conditions (see, for example, Fig. 3). The size, *i.e.*, inner diameter of each of the holes is not specified, but it is reasonable to conclude that these holes may be of a size that effect image performance because the holes are specifically arranged around the optical lens part. As such, there is no hole (pore) in the optical part (optical lens part) in JP '306. The structure of JP '306 would make it impossible to provide an appropriate flow passage allowing fresh aqueous humor to always flow to the vicinity of the center of the front surface of the crystalline lens.

Claim 1 recites, among other features, an optical part which has a meniscus shape of which a back surface is sized to be larger in curvature than a front surface of the crystalline lens and a predetermined refractive power for correcting refractive power of an eye, the optical part being sized to be larger in diameter than a pupil and having a plurality of fine pores which are formed through the optical part, the fine pores including a fine pore arranged in an optical center of the optical part and a plurality of fine pores arranged within a region centering and surrounding the optical center corresponding to the pupil, and each fine pore being of an inner diameter of 0.1 μm to 0.1mm determined to allow aqueous humor to pass through the optical part and maintain optical characteristics of the optical part.

As is positively recited above, the subject matter of the pending claims provides an intraocular lens formed with a groove for allowing aqueous humor to flow in the space between an optical part and a crystalline lens, and fine pores formed in a specified arrangement in the optical part to allow the aqueous humor having flowed in the space between the optical part and the crystalline lens through the groove, to flow to an anterior chamber (see *e.g.*, Fig. 2). The configuration, as positively recited in claim 1, allows fresh aqueous humor to flow to the vicinity of the center of the front surface of the crystalline lens while controlling the pressure in the anterior chamber and the posterior chamber. The invention disclosed in JP '306 (1) is structurally different from the subject matter of the pending claim, and (2) does not recognize any objective benefit related to that among which the subject matter of the pending claim is directed.

In response to Applicants previously having made this argument over the rejection of the pending claim under 35 U.S.C. §102(b) as being anticipated by JP '306, in the Response to Arguments section of the current Office Action, the Examiner asserts that, with reference to Figs. 3 and 5 of JP '306, the optical part may be considered to include areas 1 and 2. This conclusion requires that the positive disclosure of JP '306, as evidenced in the English-

language translation of the Abstract and the computer-generated English-language of the disclosure, be ignored insofar as it specifically differentiates between an optical lens 1 and an intermediate portion 2 provided in the periphery of the optical lens 1.

Further, this Office Action concedes that, to any extent that JP '306 may be considered to disclosed an intraocular lens having pores and grooves, JP '306 does not teach any specific size for the pores concluding that the pores are used for the same purpose. As indicated above, modification in the size of the pores in the subject matter of the pending claims over the prior art is related to their structural location within the optical lens part. As such, cited U.S. court precedents regarding mere change in size, absent more, are not applicable. With the movement of the pores to the optical lens part in the subject matter of the pending claims, reduction in the size of the pores is made to, among other objectives, avoid impacting the refractive correction capability of the optical portion. For at least the above reasons, JP '306 cannot reasonably be considered to have suggested the subject matter of the pending claim.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over JP '306 are respectfully requested.

The Office Action, on page 4, rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,913,898 to Feingold. This rejection is respectfully traversed.

Feingold teaches an intraocular contact lens for implantation into the eye. With reference to Figs. 20-24, the Office Action alleges that Feingold teaches an intraocular lens adapted for placement between the iris and the crystalline lens that is asserted to suggest a combination of features that correspond to those positively recited in claim 1. In fact, on page 5, Office Action states "Feingold has disclosed many various features as pores and grooves (see abstract and col. 2 of specification) that inherently may be used in conjunction." The analysis of the Office Action fails for at least the following reasons.

Feingold teaches an intraocular contact lens adapted for placement between an iris and a crystalline lens as asserted by the Office Action. The Feingold lens has a single hole provided in the center of the optical axis of the lens so as not to damage the optical characteristics of the lens. If the hole in Feingold is larger in size it will affect the optical characteristics of the lens, while if the hole is smaller in size it will fail to allow the aqueous humor in an amount needed to control pressure to continuously flow from a posterior chamber to an anterior chamber. If a plurality of holes is provided in the Feingold invention, such plurality of holes are indicated as being formed near the perimeter of the device. As such, Feingold, like JP '306, cannot reasonably be considered to have suggested a configuration of pores as is positively recited in claim 1.

As indicated above, claim 1 positively recites a plurality of fine pores each having an inner diameter of about 0.1μm to 0.1mm within the region centered on the optical center of the optical part corresponding to the pupil area. This configuration results in an appropriate flow passage for maintaining the optical characteristics of the lens and also allows fresh aqueous humor to flow to the vicinity of the center of the front surface of the crystalline lens while controlling the pressure in the anterior and posterior chamber, as discussed above.

In response to Applicants previously having made the above arguments, in the response to arguments portion of the Office Action, the Examiner indicates that the example of use of Feingold of the pores around the periphery of the optic "is just one mere example of Feingold's possible placements of pores in the optic, not the only configuration." As such, the Office Action is unable to point to any suggestion of a configuration as positively recited in claim 1 to overcome Applicants' arguments traversing the prior art rejection of claim 1 over Feingold, as discussed above. To infer, as the Office Action seems to, that Feingold may disclose virtually any location for a plurality of pores in attempting to render obvious the subject matter of the pending claims overly broadly construes Feingold for what it explicitly

or inherently teaches, or for what it can reasonably be considered to have suggested. The assertions in the Office Action that Feingold, like JP '306, can reasonably be considered to at least suggest those features recited in claim 1 that the Office Action concedes they cannot reasonably be considered to teach necessarily fail. Again here, the broad application of the judicial precedent of *In re Rose* regarding the size of the pores is as inapplicable as it was regarding JP '306 above. For at least the above reasons, Feingold cannot reasonably be considered to have suggested the combination of all of the features positively recited in claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over Feingold are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

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